

## REMARKS

In accordance with the foregoing, claims 2-30 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

**I. CLAIMS 17 AND 30 ARE REJECTED UNDER 35 USC 103(A) AS BEING UNPATENTABLE OVER TANAKA ET AL (5,903,568) IN VIEW OF TAKIMOTO (6,041,350)**

Tanaka et al. discloses an OSI multilayer management system. As stated by the Examiner, Tanaka et al. does not teach or suggest sending only deviant state information of the agent indicating the deviations from the normal state to the manager in response to the request message.

Takimoto discloses a hierarchical layered management system with a MIB on each layer and correspondingly repeated stored data. "Original" managed objects (MO) are stored in the network element management systems (11, 12) of the lower "layer" and "duplicate managed objects" (DMO), higher layer copies, are stored in the network management system (21).

Takimoto's aim is to configure, starting from system (21), the systems (11, 12) as transaction safe and notify the user of the system (21) the result of the configuration. For this, Takimoto provides the system (21) with a simulated behavior execution controller (SBEC).

In the case of a configuration request ("network management request"), the SBEC breaks down the request into single commands to the systems (11, 12). At first, the single commands are carried out under the control of a transaction controller (TRC) first by the simulator SBEC to the DMOs stored in the local MIB of the system (21). (col. 8, lines 32-43 and col. 6, lines 9-15). The simulation can have two results that are either normal or abnormal.

In a normal result, the simulator in the local MIB of system (21) can successfully carry out all single commands and the TRC in the MIB of system (21) will isolate all effectuated changes. (col. 8, lines 43 to 46). An abnormal result happens if one of the single commands is not effectuated by the simulator. In an abnormal result, the TRC in the MIB of system (21) removes all effectuated changes in the stored DMOs. (col. 8, lines 47-50).

The single commands that the communication controller (CMN) had previously held back will only be transmitted to the systems (11, 12) when the simulation ends in a *normal* manner. (col. 8, lines 50-55). The system (21) presents the results of the simulator SBEC as a completed execution of the configuration request before the systems (11, 12) actually executes all of the

single commands and the actual execution of the configuration request is still running. (col. 6, lines 15-22).

An information synchronizing means (ISM) is provided for the execution of the synchronization. (col. 12, lines 52-54). Synchronization is provided through three possible synchronization mechanisms (col. 13, lines 18-30) that have the purpose to ensure that the attribute values of the DMOs coincide with the attribute values of the MOs (col. 12, lines 48-52). The three synchronization mechanisms are:

- 1) Notifications (col. 13, lines 16-18);
- 2) M-GET (col. 12, lines 12-15)
- 3) EFD (col. 12-13, lines 60-10).

In order to attain the DMOs coinciding with the MOs, deletion and modification of the attribute values are notified to the EFD (col. 12, lines 65-67). The EFD notifies all modifications because the EFD notifications are *spontaneously* effectuated on request.

However, Takimoto does not teach or suggest "sending, by the *agent to the manager* in response to the request message, only deviant state information indicating *deviation from the normal state* of the state information previously stored by the agent." Accordingly, claim 30 is patentably distinguishable over the cited art.

Claim 17 recites:

A manager sending a request message ... to said agent,  
said agent checking the state of information of said agent with  
regard to deviations from a normal state and sending only deviant  
state information of said agent indicating the deviations from the  
normal state to said manager in response to the request message.

Accordingly, claim 17 patentably distinguishes over the cited art.

**II. CLAIMS 2-16 AND 18-29 ARE REJECTED UNDER 35 USC 103(A) AS BEING UNPATENTABLE OVER TANAKA AND TAKIMOTO FURTHER IN VIEW OF MEANDZIJA (6,404,743)**

Claims 2-16 and 24-28 depend, directly or indirectly on independent claim 30 and claims 18-23 and 29 depend, directly or indirectly, on independent claim 17. Claims 2-16 and 18-20 include all of the features of their respective independent claims, plus additional features which are not taught or suggested by the cited art and therefore are patentably distinguishable. Furthermore, nothing has been cited or found in Meandzija that cures the deficiencies in regards to Tanaka et al in view of Tokimoto.

### III. NEW CLAIM

New claim 31 emphasizes that the agent "sends deviant state information of the agent indicating the deviations from the normal state to the manager only in response to the request."

Neither Tanaka et al., Tokimoto, or Meandzija teach or suggest a communication system in this manner. Therefore, it is respectfully submitted that this new claim distinguishes over the cited art.

#### Summary

It is submitted that the references cited by the Examiner do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 2-30 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 1-29-08

By:   
John C. Garvey  
Registration No. 28,807

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501